

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 460**

Introduced by Lathrop, 12; Friend, 10;

Read first time January 16, 2007

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to political parties; to amend sections  
2 32-221, 32-231, 32-239, 32-401, 32-603, 32-607, 32-620,  
3 32-703, 32-707, 32-709, 32-710, 32-711, 32-809, 32-811,  
4 32-816, 32-912, and 32-1547, Reissue Revised Statutes of  
5 Nebraska; to change and eliminate provisions relating to  
6 presidential preference primary elections, county, state,  
7 and national political party conventions, delegates to  
8 conventions, and political party caucuses; to harmonize  
9 provisions; to repeal the original sections; and to  
10 outright repeal sections 32-613, 32-614, 32-701, 32-704,  
11 32-705, and 32-708, Reissue Revised Statutes of Nebraska.  
12 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 32-221, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           32-221 (1) The election commissioner shall appoint  
4 precinct and district inspectors, judges of election, and clerks  
5 of election to assist the election commissioner in conducting  
6 elections on election day. In counties with a population of less  
7 than three hundred thousand inhabitants, judges and clerks of  
8 election and inspectors shall be appointed at least thirty days  
9 prior to the statewide primary election, shall hold office for  
10 terms of two years or until their successors are appointed and  
11 qualified for the next statewide primary election, and shall serve  
12 at all elections in the county during their terms of office.  
13 In counties with a population of three hundred thousand or more  
14 inhabitants, judges and clerks of election shall be appointed  
15 at least thirty days prior to the first election for which  
16 appointments are necessary and shall serve for at least four  
17 elections.

18           (2) Judges and clerks of election may be selected at  
19 random from a cross section of the population of the county. All  
20 qualified citizens shall have the opportunity to be considered for  
21 service. All qualified citizens shall fulfill their obligation to  
22 serve as judges or clerks of election as prescribed by the election  
23 commissioner. No citizen shall be excluded from service as a result  
24 of discrimination based upon race, color, religion, sex, national  
25 origin, or economic status. No citizen shall be excluded from

1 service unless excused by reason of ill health or other good and  
2 sufficient reason.

3 (3) All persons appointed shall be of good repute and  
4 character, be able to read and write the English language, and  
5 except as otherwise provided in subsection (5) of section 32-223,  
6 be registered voters in the county. No candidate at an election  
7 shall be appointed as a judge or clerk of election or inspector  
8 for such election, ~~other than a candidate for delegate to a county,~~  
9 ~~state, or national political party convention.~~

10 (4) If a vacancy occurs in the office of judge or clerk  
11 of election or inspector, the election commissioner shall fill such  
12 vacancy in accordance with section 32-223. If any judge or clerk  
13 of election or inspector fails to appear at the hour appointed for  
14 the opening of the polls, the remaining officers shall notify the  
15 election commissioner, select a registered voter to serve in place  
16 of the absent officer if so directed by the election commissioner,  
17 and proceed to conduct the election. If the election commissioner  
18 finds that a judge or clerk of election or inspector does not  
19 possess all the qualifications prescribed in this section or if any  
20 judge or clerk of election or inspector is guilty of neglecting the  
21 duties of the office or of any official misconduct, the election  
22 commissioner shall remove the person and fill the vacancy.

23 Sec. 2. Section 32-231, Reissue Revised Statutes of  
24 Nebraska, is amended to read:

25 32-231 (1) Each judge and clerk of election appointed

1 pursuant to section 32-230 shall (a) be of good repute and  
2 character and able to read and write the English language,  
3 (b) reside in the precinct in which he or she is to serve  
4 unless necessity demands that personnel be appointed from another  
5 precinct, (c) be a registered voter except as otherwise provided  
6 in subsection (7) of section 32-230, and (d) serve for a term of  
7 two years or until judges and clerks of election are appointed  
8 for the next primary election. No candidate at an election shall  
9 be eligible to serve as a judge or clerk of election at the same  
10 election, ~~other than a candidate for a delegate to a county, state,~~  
11 ~~or national political party convention.~~

12 (2) The county clerk may appoint district inspectors to  
13 aid the county clerk in the performance of his or her duties  
14 and supervise a group of precincts on election day. A district  
15 inspector shall meet the requirements for judges and clerks of  
16 election as provided in subsection (1) of this section, shall  
17 oversee the procedures of a group of polling places, and shall act  
18 as the personal agent and deputy of the county clerk. The district  
19 inspector shall ensure that the Election Act is uniformly enforced  
20 at the polling places assigned to him or her and perform tasks  
21 assigned by the county clerk. The district inspector may perform  
22 all of the duties required of a judge or clerk of election.

23 Sec. 3. Section 32-239, Reissue Revised Statutes of  
24 Nebraska, is amended to read:

25 32-239 All vacancies of judges and clerks of election

1 appointed pursuant to section 32-230 and district inspectors  
2 appointed pursuant to subsection (2) of section 32-231 shall  
3 be filled as nearly as possible in the manner in which the  
4 original appointments were made. At least fifteen days prior to  
5 any election, the county clerk shall review the list of district  
6 inspectors and the list of judges and clerks of election in the  
7 precincts in which the election is to occur and fill any vacancies.  
8 When a district inspector or judge or clerk of election is a  
9 candidate for an office to be voted upon at the election, ~~except~~  
10 ~~for a candidate for a delegate to a county, state, or national~~  
11 ~~political party convention,~~ his or her position as a district  
12 inspector, judge, or clerk shall be vacant.

13           Sec. 4. Section 32-401, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15           32-401 The statewide primary election shall be held on  
16 the first Tuesday after the second Monday in May in even-numbered  
17 years. The statewide primary election shall be held for the  
18 purposes of (1) nominating all candidates to be voted for at the  
19 statewide general election except (a) candidates who were unopposed  
20 at the primary election and not required to be on the ballot and  
21 (b) candidates who petition on the ballot or are nominated by their  
22 political party, ~~(2) electing delegates to the county, state, and~~  
23 ~~national political party conventions, if applicable, (3) in each~~  
24 ~~presidential election year, voting on a preference for President of~~  
25 ~~the United States, and (4) and (2) electing officers in political~~

1 subdivisions which hold their general elections at the time of the  
2 statewide primary election.

3 Sec. 5. Section 32-603, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5 32-603 (1) No candidate for member of the Legislature  
6 or an elective office described in Article IV, section 1 or 20,  
7 or Article VII, section 3 or 10, of the Constitution of Nebraska  
8 shall be eligible to file as a candidate, to petition on the  
9 ballot as a candidate, to accept a nomination by a political  
10 party or by party convention, caucus, or committee to fill a  
11 vacancy, or to be a declared write-in candidate for more than one  
12 elective office to be filled at the same election. ~~except for the~~  
13 ~~position of delegate to a county, state, or national political~~  
14 ~~party convention.~~ No candidate for any other high elective office  
15 as defined in subsection (6) of section 32-604 shall be eligible to  
16 file as a candidate, to petition on the ballot as a candidate, to  
17 accept a nomination by a political party or by party convention,  
18 caucus, or committee to fill a vacancy, or to be a declared  
19 write-in candidate for more than one high elective office to  
20 be filled at the same election. Any such person who has filed  
21 for a high elective office shall withdraw such filing prior to  
22 filing for any other elective office to be filled at the same  
23 election. ~~except for the position of delegate to a county, state,~~  
24 ~~or national political party convention.~~ Any such person who has  
25 won a nomination in a primary election and who is nominated

1 to any additional offices by a write-in vote or by a political  
2 party convention or committee shall decline one of the nominations  
3 pursuant to section 32-623 and shall do so within seven days after  
4 receiving any subsequent nomination. If the candidate fails to take  
5 such action, any subsequent nomination shall be declared void. Any  
6 filing made in violation of this section shall be void, and the  
7 Secretary of State, election commissioner, or county clerk shall  
8 not place the name of any person on the ballot for any office for  
9 which such person filed in violation of this section.

10 (2) If a filing officer determines that a candidate has  
11 filed for more than one office in violation of subsection (1) of  
12 this section, the filing officer shall notify the Secretary of  
13 State, the Secretary of State shall determine the order of the  
14 filings and notify the candidate that the subsequent filing is  
15 invalid, and the candidate's name shall not be printed on the  
16 ballot for such office. The Secretary of State shall notify the  
17 filing officers of the counties involved of the action taken on  
18 such subsequent filing.

19 (3) When the name of a candidate appears on the ballot  
20 for more than one office during an election in violation of  
21 subsection (1) of this section, the filing officer when possible  
22 shall correct the error by removing the candidate's name from the  
23 ballot and reprinting corrected ballots. When it is not possible  
24 to print a corrected set of ballots in time for the election, all  
25 votes cast for such candidate as a candidate for the subsequent

1 office appearing on the ballot shall not be counted, and no  
2 certificate of nomination or election shall be issued to such  
3 candidate for such subsequent office.

4 Sec. 6. Section 32-607, Reissue Revised Statutes of  
5 Nebraska, is amended to read:

6 32-607 All candidate filing forms shall contain the  
7 following statement: I hereby swear that I will abide by the laws  
8 of the State of Nebraska regarding the results of the primary and  
9 general elections, that I am a registered voter and qualified to be  
10 elected, and that I will serve if elected. Candidate filing forms  
11 shall be filed with the following filing officers:

12 (1) For candidates for national, state, or congressional  
13 office, directors of public power and irrigation districts,  
14 directors of reclamation districts, directors of natural resources  
15 districts, members at large of the boards of educational service  
16 units, members of governing boards of community colleges, ~~delegates~~  
17 ~~to national conventions,~~ and other offices filled by election held  
18 in more than one county and judges desiring retention, in the  
19 office of the Secretary of State;

20 (2) For officers elected within a county, in the office  
21 of the election commissioner or county clerk. If the candidate is  
22 not a resident of the county, he or she shall submit a certificate  
23 of registration obtained under section 32-316 with the candidate  
24 filing form;

25 (3) For representatives from the county in which they

1 reside on the boards of educational service units, in the office of  
2 the election commissioner or county clerk;

3 (4) For officers in school districts which include land  
4 in adjoining counties, in the office of the election commissioner  
5 or county clerk of the county in which the greatest number of  
6 registered voters entitled to vote for the officers reside. If the  
7 candidate is not a resident of the county, he or she shall submit a  
8 certificate of registration obtained under section 32-316 with the  
9 candidate filing form; and

10 (5) For city or village officers, in the office of the  
11 city or village clerk, except that in the case of joint elections,  
12 the filing may be either in the office of the election commissioner  
13 or county clerk or in the office of the city or village clerk  
14 with deputized personnel. ~~When the~~ If a city or village clerk is  
15 deputized to take filings, he or she shall return all filings to  
16 the office of the election commissioner or county clerk by the end  
17 of the next business day following the filing deadline.

18 Sec. 7. Section 32-620, Reissue Revised Statutes of  
19 Nebraska, is amended to read:

20 32-620 Partisan candidates for the offices of President  
21 and Vice President of the United States on the general election  
22 ballot shall be certified to the Governor and Secretary of State by  
23 the national nominating convention as provided by law. Candidates  
24 for the offices of President and Vice President of the United  
25 States of newly established political parties or of nonpartisan

1 status may obtain general election ballot position by filing with  
2 the Secretary of State:

3 (1) An application containing:

4 (a) The name or names to be printed on the ballot;

5 (b) The status of the candidacy, whether nonpartisan or  
6 partisan;

7 (c) The written consent of the designated  
8 vice-presidential candidate to have his or her name printed on  
9 the ballot; and

10 (d) The names and addresses of the persons who will  
11 represent the applicant as presidential elector candidates together  
12 with the written consent of such persons to become candidates; and

13 (2) A petition signed by not less than two thousand  
14 five hundred registered voters. Such petitions shall conform to  
15 the requirements of section 32-628 and shall not be circulated  
16 until after the date of the primary election in that election  
17 year. Registered voters who voted in the primary election of  
18 any political party that held a presidential preference primary  
19 election that year shall be ineligible to sign the petitions of any  
20 other candidate for president.

21 Sec. 8. Section 32-703, Reissue Revised Statutes of  
22 Nebraska, is amended to read:

23 32-703 In each presidential election year, the total  
24 number of delegates and alternate delegates representing this state  
25 at the national conventions of the political parties and their

1 method of selection ~~or election~~ shall be determined by the rules of  
2 the national political party holding the convention. The Secretary  
3 of State in consultation with the Attorney General shall have the  
4 authority to do all things necessary in the administration of the  
5 Election Act, ~~including ballot preparation, separation of ballots,~~  
6 ~~and ballot instructions,~~ to comply with and carry out the intent  
7 of national political party rules and court decisions. Whenever the  
8 act is in conformity with national political party rules as to the  
9 ~~election~~ selection of delegates, the ~~election~~ procedures found in  
10 the act shall be followed. The state political party shall furnish  
11 a copy of the national political party rules regarding selection  
12 of delegates to the Secretary of State no later than ~~February 1~~  
13 January 2 of each presidential election year.

14           Sec. 9. Section 32-707, Reissue Revised Statutes of  
15 Nebraska, is amended to read:

16           32-707 ~~(1)~~ The county ~~postprimary~~ convention of a  
17 political party shall be held in the courthouse or other suitable  
18 place at the county seat ~~any time during the first ten days in June~~  
19 ~~following the statewide primary election~~ at an hour and place to be  
20 designated by the chairperson of the county central committee of a  
21 political party. The county central committee chairperson shall,  
22 after appropriate consultation with the central committee, certify  
23 the date, time, and location of the convention to the election  
24 commissioner or county clerk not later than ~~the first Tuesday~~  
25 ~~in May preceding the primary election.~~ ~~The election commissioner~~

1 or county clerk shall issue certificates of election to each  
2 person elected delegate to the county postprimary convention of a  
3 political party and shall notify each person elected of the time  
4 and place of the holding of such county postprimary thirty days  
5 prior to the convention. The county central committee chairperson  
6 shall cause to be published, at least fifteen days prior to the  
7 date of the county postprimary convention, an official notice  
8 of the date, time, and place of the convention in at least one  
9 newspaper of general circulation within the county.

10           ~~(2)~~ The election commissioner or county clerk shall  
11 deliver to the temporary secretary of each county postprimary  
12 convention of a political party the roll, properly certified,  
13 showing the name and address of each delegate elected to such  
14 convention. Upon receipt of such roll, the convention shall  
15 organize and proceed with the transaction of business which is  
16 properly before it. A county chairperson, secretary, treasurer, and  
17 other officials may be elected. The authority reposed in delegates  
18 to the county postprimary convention by reason of their election  
19 shall be deemed personal in its nature, and no such delegate may,  
20 by power of attorney, by proxy, or in any other way, authorize  
21 any person in such delegate's name or on such delegate's behalf  
22 to appear at such county postprimary convention, cast ballots at  
23 the convention, or participate in the organization or transaction  
24 of any business of the convention. In case of a vacancy in the  
25 elected delegates, such elected delegates present shall have the

1 power to fill any vacancy from the qualified registered voters of  
2 the precinct in which the vacancy exists.

3 Sec. 10. Section 32-709, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5 32-709 (1) Delegates to county conventions of political  
6 parties may be elected shall be selected at precinct caucuses held  
7 on the second Saturday in February in each presidential election  
8 year or on a date determined by the state central committee of  
9 each political party no later than September 1 of the year prior  
10 to the presidential election year. The state central committee of  
11 each political party shall set the date for the caucus, and the  
12 county chairperson for each party shall issue the call and may  
13 hold the caucus in conjunction with the county convention. Each  
14 county chairperson shall file with the election commissioner or  
15 county clerk notice of the meeting place of such caucus at least  
16 ~~ten~~ thirty days prior to the date of the caucus. The state central  
17 committee of each party shall draft rules of procedure to be  
18 followed at each caucus.

19 (2) The authority reposed in registered voters attending  
20 the caucus and delegates to the county convention shall be deemed  
21 personal in its nature, and no such voter or delegate may, by power  
22 of attorney, by proxy, or in any other way, authorize any person  
23 in the name or on behalf of such voter or delegate to appear at  
24 such caucus or county convention, cast ballots at the caucus or  
25 convention, or participate in the organization or transaction of

1 any business of the caucus or convention.

2           (3) For purposes of this section, caucus ~~shall mean~~ means  
3 a meeting of the ~~legal~~ registered voters of any political party  
4 assembled for the purpose of choosing delegates to the county  
5 convention.

6           Sec. 11. Section 32-710, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8           32-710 Each political party shall hold a state  
9 ~~postprimary~~ convention biennially on a date to be fixed by the  
10 state central committee but not later than September 1. Candidates  
11 for elective offices may be nominated at such conventions. Such  
12 nominations shall be certified to the Secretary of State by the  
13 chairperson and secretary of the convention. The certificates shall  
14 have the same force and effect as nominations in primary elections.  
15 The convention shall formulate and promulgate a state platform,  
16 select a state central committee, select electors for President  
17 and Vice President of the United States, and transact the business  
18 which is properly before it. One presidential elector shall be  
19 chosen from each congressional district, and two presidential  
20 electors shall be chosen at large. The officers of the convention  
21 shall certify the names of the electors to the Governor and  
22 Secretary of State.

23           Sec. 12. Section 32-711, Reissue Revised Statutes of  
24 Nebraska, is amended to read:

25           32-711 Each political party shall hold a congressional

1 district ~~postprimary~~ convention in even-numbered years. The  
2 convention shall be held at the same place as and immediately after  
3 the adjournment of the state ~~postprimary~~ convention. The delegates  
4 selected to the state ~~postprimary~~ convention for the district  
5 shall be the delegates to the congressional district ~~postprimary~~  
6 convention. The congressional district ~~postprimary~~ convention shall  
7 transact the business which is properly before it.

8           Sec. 13. Section 32-809, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10           32-809 (1) The form of the official ballot at the  
11 statewide primary election shall be prescribed by the Secretary of  
12 State. At the top of the ballot and over all else shall be printed  
13 in boldface type the name of the political party, ..... Official  
14 Ballot, Primary Election 20.. . Each division containing the names  
15 of the office and a list of candidates for such office shall be  
16 separated from other groups by a bold line. The ballot shall list  
17 at-large candidates and subdistrict candidates under appropriate  
18 headings.

19           (2) All proposals for constitutional amendments,  
20 ~~candidates for delegates to the national political party~~  
21 ~~conventions~~, and candidates on the nonpartisan ballot shall be  
22 submitted on a ballot where bold lines separate one office or issue  
23 from another. Proposals for constitutional amendments proposed  
24 by the Legislature shall be placed on the ballot as provided  
25 in sections 49-201 to 49-211. ~~Each candidate for delegate to~~

1 the national political party convention shall have his or her  
2 preference for the candidacy for the office of President of the  
3 United States or the fact that he or she is uncommitted shown on  
4 the ballot in parenthesis and indented on the line immediately  
5 below the name of the candidate. All constitutional amendments  
6 shall be placed on a separate ballot when a paper ballot is used  
7 which requires the ballot after being voted to be folded before  
8 being deposited in a ballot box. When an optical-scan ballot is  
9 used which requires a ballot envelope or sleeve in which the ballot  
10 after being voted is placed before being deposited in a ballot box,  
11 constitutional amendments may be printed on either side of the  
12 ballot and shall be separated from other offices or issues by a  
13 bold line. Constitutional amendments so arranged shall constitute  
14 a separate ballot.

15 (3) The statewide primary election ballot shall contain  
16 the name of every candidate filing under sections 32-606~~7~~ and  
17 32-611~~7~~ and 32-613 and no other names. No name of a candidate  
18 for member of the Legislature or an elective office described  
19 in Article IV, section 1, of the Constitution of Nebraska shall  
20 appear on any ballot or any series of ballots at any primary  
21 election more than once, ~~except for the names of candidates for the~~  
22 ~~office of delegate to a county, state, or national political party~~  
23 ~~convention.~~ When two or more of the last names of candidates for  
24 the same office at the primary election are the same in spelling  
25 or sound, the official ballots may, on the request of any such

1 candidate, have his or her address printed immediately below his  
2 or her name in capital and lowercase letters in lightface type of  
3 the same size as the type in which the name of the candidate is  
4 printed.

5           Sec. 14. Section 32-811, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7           32-811 (1) If the names of candidates properly filed  
8 for nomination at the primary election for directors of natural  
9 resources districts, directors of public power districts, directors  
10 of reclamation districts, members of the boards of governors of  
11 community college areas, members of the boards of Class III school  
12 districts which nominate candidates at a primary election, and  
13 officers of cities of the first or second class and cities having  
14 a city manager plan of government do not exceed two candidates  
15 for each position to be filled, any such candidates shall be  
16 declared nominated and their names shall not appear on any primary  
17 election ballots. The official abstract of votes kept by the  
18 county or state shall show the names of such candidates with the  
19 statement Nominated Without Opposition. The election commissioner  
20 or county clerk shall place the names of such automatically  
21 nominated candidates on the general election ballot as provided in  
22 section 32-814.

23           (2) Candidates shall not appear on the ballot in the  
24 primary election for the board of directors in public power  
25 districts receiving annual gross revenue of less than forty million

1 dollars, for county weed district boards, and for the board of  
2 trustees in villages.

3 ~~(3) If the number of candidates for delegates to a county~~  
4 ~~or national political party convention are the same in number or~~  
5 ~~less than the number of candidates to be elected, the names shall~~  
6 ~~not appear on the primary election ballot and those so filed shall~~  
7 ~~receive a certificate of election.~~

8 Sec. 15. Section 32-816, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10 32-816 (1) A blank space shall be provided at the end  
11 of each office division on the ballot for registered voters to  
12 fill in the name of any person for whom they wish to vote  
13 and whose name is not printed upon the ballot, except that (a)  
14 at the primary election there shall be no write-in space for  
15 ~~delegates to the county political party convention, delegates~~  
16 ~~to the national political party convention, directors of natural~~  
17 ~~resources districts, or directors of public power districts and~~  
18 (b) at the general election there shall be no write-in space  
19 for directors of reclamation districts, members of the board  
20 of educational service units, directors of natural resources  
21 districts, directors of public power districts, or members of  
22 county weed district boards. A square or oval shall be printed  
23 opposite each write-in space similar to the square or oval placed  
24 opposite other candidates and issues on the ballot. The square or  
25 oval shall be marked to vote for a write-in candidate whose name

1 appears in the write-in space provided.

2 (2) The Secretary of State shall approve write-in space  
3 for optical-scan ballots and electronic voting systems. Adequate  
4 provision shall be made for write-in votes sufficient to allow one  
5 write-in space for each office to be elected at any election except  
6 offices for which write-in votes are specifically prohibited. The  
7 write-in ballot shall clearly identify the office for which such  
8 write-in vote is cast. The write-in space shall be a part of the  
9 official ballot, may be on the envelope or a separate piece of  
10 paper from the printed portion of the ballot, and shall allow the  
11 voter adequate space to fill in the name of the candidate for whom  
12 he or she desires to cast his or her ballot.

13 Sec. 16. Section 32-912, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15 32-912 (1) Any registered voter desiring to vote in a  
16 primary election held under the Election Act shall be entitled to  
17 participate in such primary election upon presenting himself or  
18 herself at the polling place for his or her residence. A registered  
19 voter who is affiliated with a political party shall receive from  
20 the receiving board all nonpartisan ballots and the partisan ballot  
21 of the political party indicated on his or her voter registration.  
22 Except as provided in subsections (2) and (3) of this section, a  
23 registered voter who is not affiliated with any political party  
24 shall receive only nonpartisan ballots at a primary election.

25 (2) Any political party may allow registered voters

1 who are not affiliated with a political party to vote in the  
2 primary election for any elective office for which the party  
3 has candidates. ~~except for the office of delegate to the party's~~  
4 ~~county, state, or national convention.~~ Any political party desiring  
5 to permit such registered voters to vote for candidates of that  
6 party in the primary election shall file a letter stating that the  
7 governing body of the political party has adopted a rule allowing  
8 registered voters who are not affiliated with a political party  
9 to vote in the primary election for candidates of that party.  
10 The letter and copy of the adopted rule shall be filed with the  
11 Secretary of State at least sixty days before the primary election.  
12 The Secretary of State shall notify the appropriate election  
13 commissioners and county clerks in writing that the political  
14 party filing the letter will allow registered voters who are not  
15 affiliated with a political party to vote in the primary election  
16 for candidates of that party. Once filed, the rule allowing such  
17 voters to vote in such primary election shall be irrevocable and  
18 shall apply only to the primary election immediately following the  
19 adoption of the rule.

20 (3) A registered voter who is not affiliated with a  
21 political party and who desires to vote in the primary election for  
22 the office of United States Senator or United States Representative  
23 may request a partisan ballot for either or both of such offices  
24 from any political party. The election commissioner or county clerk  
25 shall post a notice in a conspicuous location, easily visible and

1 readable by voters prior to approaching the receiving board, that a  
2 registered voter who is not affiliated with a political party may  
3 request such ballots. No such registered voter shall receive more  
4 than one such partisan ballot.

5 (4) The registered voters residing in a political  
6 subdivision may cast their ballots for candidates for the offices  
7 in that subdivision and for issues proposed for that subdivision,  
8 except that when officers are to be nominated or elected from a  
9 subdistrict of the political subdivision, the registered voters  
10 residing in the subdistrict may only vote for candidates from the  
11 subdistrict and for candidates for officers to be elected at large  
12 from the whole political subdivision.

13 Sec. 17. Section 32-1547, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15 32-1547 Any person serving as a member of the Legislature  
16 or in an elective office described in Article IV, section 1, of  
17 the Constitution of Nebraska who files for more than one elective  
18 office to be filled in the same election ~~except for the position of~~  
19 ~~delegate to a county, state, or national political party convention~~  
20 shall be guilty of a Class IV misdemeanor.

21 Sec. 18. Original sections 32-221, 32-231, 32-239,  
22 32-401, 32-603, 32-607, 32-620, 32-703, 32-707, 32-709, 32-710,  
23 32-711, 32-809, 32-811, 32-816, 32-912, and 32-1547, Reissue  
24 Revised Statutes of Nebraska, are repealed.

25 Sec. 19. The following sections are outright repealed:

LB 460

LB 460

- 1 Sections 32-613, 32-614, 32-701, 32-704, 32-705, and 32-708,
- 2 Reissue Revised Statutes of Nebraska.